

HOUSE JOINT MEMORIAL 28

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW ITS PROCESS FOR LICENSING AND CERTIFYING NURSING FACILITIES AND TO IDENTIFY MEASURES TO IMPROVE STANDARDS OF CARE IN NURSING FACILITIES.

WHEREAS, it is the mission of the division of health improvement of the department of health to ensure safety and quality care in New Mexico's health facilities, including nursing facilities, in collaboration with consumers, providers, advocates and other agencies; and

WHEREAS, the health facility licensing and certification bureau within the division of health improvement has the responsibility to establish, monitor and enforce quality standards in health facilities, including nursing facilities, to ensure the safety and well-being of the residents; and

WHEREAS, the goal of this work is to ensure that the

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1 public receives the type of care that promotes the residents'
2 quality of life, their dignity and their autonomy; and

3 WHEREAS, in order to accomplish this work, the bureau
4 conducts licensing and certification surveys and oversight and
5 contract compliance surveys and maintains a statewide incident
6 management system so that people in New Mexico have access to
7 quality health care and so that vulnerable populations are safe
8 from abuse, neglect and exploitation; and

9 WHEREAS, the licensure regulations for nursing facilities
10 require that sufficient nursing staff be assigned to meet each
11 resident's needs and to implement each resident's comprehensive
12 care plan; and

13 WHEREAS, in order to ensure sufficient nursing staff, the
14 nursing facility regulations describe minimum staffing levels
15 of two and three-tenths hours per patient day calculated on a
16 seven-day average; and

17 WHEREAS, according to a report produced by the federal
18 centers for medicare and medicaid, of eighteen reporting
19 nursing facilities in the Albuquerque area, thirteen reported
20 staffing hours that were below average or much below average;
21 and

22 WHEREAS, according to that same report, of nineteen
23 nursing facilities evaluated, eleven were found to be below
24 average or much below average in overall rating; and

25 WHEREAS, the data obtained from the centers for medicare

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1 and medicaid report comparing nursing facilities in the
2 Albuquerque area appears to be inconsistent with the mission,
3 goals and objectives of the department of health in meeting its
4 responsibility to ensure safety and quality care in New
5 Mexico's nursing facilities; and

6 WHEREAS, people who reside in nursing facilities are among
7 the most vulnerable and at-risk people in the state, and they
8 are often limited in their ability to advocate for better
9 living arrangements for themselves and unaware of the
10 regulations by which those facilities gain licensure and
11 certification to operate as nursing facilities;

12 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
13 STATE OF NEW MEXICO that the department of health be requested
14 to review its process for licensing and certifying nursing
15 facilities and to identify measures to improve standards of
16 care in nursing facilities; and

17 BE IT FURTHER RESOLVED that the department of health
18 readily and prominently disclose on its web site the frequency
19 and findings of the surveys conducted for the purpose of
20 licensing and certifying nursing facilities; and

21 BE IT FURTHER RESOLVED that the department of health
22 present a report to the interim legislative health and human
23 services committee that demonstrates specific actions the state
24 is taking or plans to take to improve standards in nursing
25 facilities, including a description of the measures to be used

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1 to accomplish this improvement; and

2 BE IT FURTHER RESOLVED that a copy of this report be
3 provided to the legislative council service library; and

4 BE IT FURTHER RESOLVED that a copy of this memorial be
5 transmitted to the secretary of health.

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